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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,120	01/09/2001	Tetsuro Motoyama	198775US-2	5602
22850	7590	01/09/2007	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			CHOWDHURY, AZIZUL Q	
		ART UNIT	PAPER NUMBER	
		2145		

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/756,120	MOTOYAMA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Azizul Choudhury	2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 October 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12, 14-19, 21-28, 30 and 32-35 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12, 14-19, 21-28, 30 and 32-35 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 09 January 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received,  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/7/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

***Detailed Action***

This office action is in response to the correspondence received on October 18, 2006.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 25-28, 30 and 31-33 are rejected under 35 USC § 101 because the claims are not limited to tangible embodiments. Claims 25-28, 30 and 31-33 are directed towards a "computer program product" wherein "a computer program code mechanism [is] embedded in the computer storage medium..." Page 22, line 5 of the applicant's specifications describes the "computer storage medium" as a "carrier wave." A carrier wave is not a physical article or object required to establish a statutory category of invention as a machine, manufacture, process or composition of matter. As such, the claims are not limited to statutory subject matter and are, therefore, non-statutory. Hence, in order to overcome this 35 USC § 101 rejection, the above claims need to be amended to include only the physical computer media and not a transmission media or other intangible or non-functional media.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12, 14-19, 21-28, 30 and 32-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Levi (US Pat No: 6,636,983).

1. With regards to claims 1, 16, 25 and 34, Levi teaches a computer-implemented remote device monitoring system, comprising: a local monitoring device (equivalent to agents; column 15, lines 62-67, Levi) configured to collect information from a device connected to a first network using an SNMP protocol (column 15, line 67, Levi), and to send the information to a monitor (equivalent to operations center) connected to a second network via a wide area network using a protocol (the Internet inherently uses protocols; column 3, lines 45-55, and Figure 15, Levi); and the monitor configured to receive the information using the protocol and store the information in association with an IP address of the device in a digital repository connected to the second network (column 15, line 61 – column 16, line 25, Levi), wherein the local monitoring device is configured to automatically request the information from the device, without receiving any instructions from the monitor requesting that the information be collected from the device (column 9, lines 27-41, Levi); and wherein after initialization of the local monitoring device, the local monitoring device is configured to automatically send the information to the monitor, without receiving any instructions from the monitor requesting that the collected information be sent (column 9, lines 27-41, Levi).

2. With regards to claims 2, 17 and 26, Levi teaches a system wherein the information comprises at least one of status information corresponding to the device and configuration information corresponding to the device (column 4, lines 9-35, Levi).
3. With regards to claims 3, 18 and 27, Levi teaches a system wherein the device comprises a printer (column 4, lines 30-32, Levi).
4. With regards to claim 4, Levi teaches a system wherein the status information comprises at least one of a low paper indicator, a no paper indicator, a low toner indicator, a no toner indicator, door open indicator, a jammed indicator, an offline indicator, and a service requested indicator (column 4, lines 29-31, Levi).
5. With regards to claim 5, Levi teaches a system wherein the configuration information comprises at least one of a manufacturer of the device, a model of the device a serial number of the device, a media access control address, an Internet protocol address, a company name, a street address, a city, a state, a postal code, a physical location of the device, a contact person for the device, a phone number for the contact person, and an e-mail address for the contact person (column 9, line 55 – column 12, line 10, Levi).

6. With regards to claims 6, 19 and 28, Levi teaches a system wherein at least a portion of the wide area network comprises the Internet (column 3, line 47-49, Levi).

7. With regards to claims 7, 21, 30 and 35, Levi teaches a system wherein the protocol comprises at least one of a simple mail transfer protocol and an Internet mail access protocol (column 3, line 54, Levi).

8. With regards to claim 8, Levi teaches a system wherein at least a portion of at least one of the first network and the second network comprises an intranet (column 5, lines 59-62, Levi).

9. With regards to claims 9 and 22, Levi teaches a system wherein the digital repository comprises a database (Figure 5, element 60, Levi).

10. With regards to claims 10, 23 and 32, Levi teaches a system wherein the local monitoring device is further configured to store the collected information in a first digital repository connected to the first network, and to retrieve the information from the first digital repository (Figure 5, element 60, Levi).

11. With regards to claims 11, 24 and 33, Levi teaches a system wherein the digital repository comprises a database (Figure 5, element 60, Levi).

12. With regards to claim 12, Levi teaches a system wherein the local monitoring device comprises a computer readable medium encoded with processor readable instructions comprises at least one of a dynamic link library, a static link library, a script, a JAVA class, a C++ class, and a C library routine (column 9, lines 11-26, Levi).

13. With regards to claim 14, Levi teaches a system wherein the remote monitor is further configured to store the information in the digital repository through an open database connectivity interface (In figure 3, element 60, the database is shown using SQL which is an open database interface, Levi).

14. With regards to claim 15, Levi teaches a system wherein the local monitoring device is further configured to store the information in the first digital repository through an open database connectivity interface (Figure 3, element 60 and Figure 6, Levi).

***Response to Remarks***

The amendment received on September 20, 2006 has been carefully examined but is not deemed fully persuasive. In lieu of the claim amendments and the arguments presented, a new search was performed. More pertinent prior art has been found and the current office was compiled to indicate some of the more relevant portions of the prior art, with respect to the claim language.

***Conclusion***

Art Unit: 2145

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC



JASON CARDONE  
SUPERVISORY PATENT EXAMINER